

REMARKS

Claims 1-19 are currently pending in the present application. The Patent Office has maintained the rejection of claims 1-19 as either being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,389,766 to *Jackson* or, in the alternative, as being unpatentable over *Jackson* in combination with various other references under 35 U.S.C. § 103.

In Applicants' response to the initial Official Action, Applicants respectfully sought to overcome the *Jackson* reference by swearing behind the *Jackson* reference by way of a 37 C.F.R. § 1.131 Declaration. Documentary evidence accompanied the Declaration in the form of a copy of an invention disclosure prepared by the inventors prior to March 2, 2000, the effective date of the *Jackson* reference.

On page 9 of the outstanding final Official Action, the Examiner stated that the disclosure document is insufficient to establish conception. Applicants submitted the disclosure document believing that the single document was sufficient to establish conception of the claimed invention. However, in view of the Examiner's continued rejection, the Applicants are willing to rely on multiple documents to prove conception. Thus, Applicants now submit drawings which were also prepared by the inventors prior to March 2, 2000. A Supplemental § 1.131 Declaration by all of the co-inventors, with the drawings attached thereto, is submitted herewith.

In the Supplemental Declaration, Wesley T.K. Bischel, Richard D. Stackenwalt and James F. Mathis, affirm that the present invention was conceived in the United States prior to March 2, 2000, and provisional patent application Serial No. 60/245,469 was diligently filed on November 3, 2000. In response to the Examiner's requirement of a showing of specific actions occurring prior to the filing of the provisional application to show due diligence, Applicants have been advised by the attorneys which prepared and filed the provisional

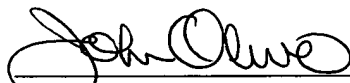
application on its behalf that a file for this application was opened on July 25, 2000. The application, which was given Serial No. 60/245,469 by the Patent Office, was filed on November 3, 2000.

In view of both the original and supplemental Declarations by all inventors, including the accompanying documentary evidence, Applicants respectfully submit that the *Jackson* reference is not available prior art. Thus, Applicants submit that claims 1-19 are both novel and non-obvious. Accordingly, Applicants request that the rejections under 35 U.S.C. §§ 102(e) and 103(a) be withdrawn.

If it is believed that any issues remain unresolved in the application, Applicants request that the Examiner contact the undersigned.

Respectfully submitted,

2/17/04
Date


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